

**CITY OF BALTIMORE
COUNCIL BILL 06-0447
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of Public Works)
Introduced and read first time: June 5, 2006
Assigned to: Highways and Franchises Subcommittee

REFERRED TO THE FOLLOWING AGENCIES: Planning Commission, Department of Housing and Community Development, Department of Public Works, Department of Transportation, Baltimore Development Corporation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **City Streets – Closing –**
3 **Lemmon Street**

4 FOR the purpose of condemning and closing Lemmon Street, extending from Greene Street
5 Easterly 330.0 feet, more or less, to Paca Street, and lying within the Market Center West
6 Revitalization Area, as shown on Plat 114-A-13A in the Office of the Department of Public
7 Works; and providing for a special effective date.

8 By authority of
9 Article I - General Provisions
10 Section 4
11 and
12 Article II - General Powers
13 Sections 2, 34, 35
14 Baltimore City Charter
15 (1996 Edition)

16 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
17 Department of Public Works shall proceed to condemn and close Lemmon Street, extending
18 from Greene Street Easterly 330.0 feet, more or less, to Paca Street, and lying within the Market
19 Center West Revitalization Area, and more particularly described as follows:

20 Beginning for Parcel No. 1 at the point formed by the intersection of the south
21 side of Lemmon Street, 20 feet wide, and the east side of Greene Street, 66 feet
22 wide, and running thence binding on the east side of said Greene Street, Northerly
23 20.0 feet to intersect the north side of said Lemmon Street; thence binding on the
24 north side of said Lemmon Street, Easterly 246.0 feet, more or less, to the west
25 side of Lemmon Street, 24 feet wide, there situate; thence binding on the west and
26 north sides of last said Lemmon Street, the two following courses and distances;
27 namely, Northerly 4.0 feet, and Easterly 84.0 feet, more or less, to intersect the
28 west side of Paca Street, 82.5 feet wide; thence binding on the west side of said
29 Paca Street, Southerly 24.0 feet to intersect the south side of last said Lemmon

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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1 Street, and thence binding in part on the south side of last said Lemmon Street, in
2 part on the south side of said Lemon Street, mentioned firstly herein, and in all,
3 Westerly 330.0 feet, more or less, to the place of beginning.

4 As delineated on Plat 114-A-13A, prepared by the Survey Control Section and filed on May 15,
5 2006, in the Office of the Department of Public Works.

6 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
7 closing of Lemmon Street and the rights of all interested parties shall be regulated by and in
8 accordance with all applicable provisions of state and local law and with all applicable rules and
9 regulations adopted by the Director of Public Works and filed with the Department of
10 Legislative Reference.

11 **SECTION 3. AND BE IT FURTHER ORDAINED,** That after the closing under this Ordinance, all
12 subsurface structures and appurtenances now owned by the Mayor and City Council of
13 Baltimore continue to be the property of the Mayor and City Council, in fee simple, until their
14 use has been abandoned by the Mayor and City Council. If any person wants to remove, alter, or
15 interfere with them, that person must first obtain permission from the Mayor and City Council
16 and, in the application for this permission, must agree to pay all costs and expenses, of every
17 kind, arising out of the removal, alteration, or interference.

18 **SECTION 4. AND BE IT FURTHER ORDAINED,** That no building or structure of any kind
19 (including but not limited to railroad tracks) may be constructed or erected in or on any part of
20 the street closed under this Ordinance until all subsurface structures and appurtenances owned by
21 the Mayor and City Council of Baltimore have been abandoned by the Mayor and City Council
22 or, at the expense of the person seeking to erect the building or structure, have been removed and
23 relaid in accordance with the specifications and under the direction of the Director of Public
24 Works of Baltimore City.

25 **SECTION 5. AND BE IT FURTHER ORDAINED,** That after the closing under this Ordinance, all
26 subsurface structures and appurtenances owned by any person other than the Mayor and City
27 Council of Baltimore shall be removed by and at the expense of their owners, promptly upon
28 notice to do so from the Director of Public Works.

29 **SECTION 6. AND BE IT FURTHER ORDAINED,** That at all times after the closing under this
30 Ordinance, the Mayor and City Council of Baltimore, acting by or through its authorized
31 representatives, shall have access to the subject property and to all subsurface structures and
32 appurtenances used by the Mayor and City Council, for the purpose of inspecting, maintaining,
33 repairing, altering, relocating, or replacing any of them, without need to obtain permission from
34 or pay compensation to the owner of the property.

35 **SECTION 7. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it
36 is enacted.